DR. RAJENDRA KUMARI BAJPAI: It won't be possible to give the number. It is continuous process. I have not got figures for the last three years.

श्री भगत राम मनहर : सभापति महोदय, कुछ वर्ष से यह शिकायत आम आ रही है कि कुछ सवर्ण लोग अपने घरों पर हरिजनों और आदिवासियों को नौकर रख लेते हैं और अपने बच्चों के नाम से गोदनामा या एडाप्शन करवा लेते हैं और फिर मेडिकल कालेज में या इंजीनियरिंग कालेज में दाखिला अपने बच्चों का करवा देते हैं। इस का नतीजा यह हो रहा है कि जो सीटें वहां हरिजनों या आदिवासियों को मिलनी चाहिए वह उनको नहीं मिल रही हैं। तो इस तरह के एडाप्शन में जो गड़बड़ी है उसको दुरुस्त करने के लिए सरकार क्या कोई उपाय करने जा रही है?

डा० राजेन्द्र कुमारी वाजपेयी : ऐसी कोई शिकायत मेरे पास नहीं है कि हरिजन या ट्राइबल्स के बच्चों को एडाप्ट कर के सवर्ण उनका फायदा उठाते हों।

श्री सभापति : और यह तो कोर्ट तय करता है।

श्री धर्मचन्द्र प्रशान्त : सभापति महोदय, मैं मंत्री जी से पूछना चाहूंगा कि कुछ बच्चे एक परिवार से दूसरे परिवार में चले जाते हैं दत्तक के रूप में, तो उस बच्चे का धर्म भी जो दसरे परिवार का धर्म होता है वही हो जाता है। या अनाथालय के प्रबन्धक जिस धर्म के हों उसी धर्म में वह बच्चों को परिवर्तित करा लेते हैं। तो क्या इस संबंध में कोई सिफारिश है?

डा० राजेन्द्र कुमारी वाजपेयी : हिन्दू-परिवारों में ही इस तरह का एडाप्शन होता है। मुसलमानों में तो इस का सवाल हीं नही उठता। यह उनके धर्म के खिलाफ है। क्रिश्चियन्स भी एडाप्ट नहीं कर सकते जब तक कि कोर्ट उन को इजाजत न दे दे।

SHRI DHARNIDHAR BASUMATARI: Sir, I had the privilege to be a member of the Joint Committee on the Children Adoption Bill. I had a chance to examine various things. It has been questioned about religion but it should not come in while adopting children. I have had the privilege of touring throughout the country. I have seen that in many families children are adopted and how they are treated. I know all that. The hon. Minister has said just now that there is a law and they can be allowed to take out children only according to the law. But many children are taken out due to the poverty of parents and particularly the tribal and schedule caste people. There should be some machinery to check it. It is just a question of practice of our nation. We should not allow our children to be sent to foreign countries.

MR. CHAIRMAN: Do they take away without adopting?

SHRI DHARNIDHAR BASUMATARI: I want to know whether the Government has set up some machinery to check this thing, to stop the children from being taken out.

DR. RAJENDRA KUMARI BAJPAI: I have already said in the beginning that we do not encourage the adopting of our Indian children for the purpose of taking them abroad.

Employment of Children below 14 years in Pottery Industry in Khurja

*444. SHRI KRISHNA KUMAR BIRLA: Will the Minister of LABOUR be pleased to state:

(a) whether Government are aware of the miserable plight of thousands of low paid children below the age of 14 years, who are engaged in the pottery industry, which is one of the most hazardous industries in Khurja in Bulandshar district of Uttar Pradesh;

(b) whether Government have made any assessment of the situation; and

(c) if so, what is the outcome thereof, stating the measures taken/proposed to be taken by Government in this regard?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI RADHAKISHAN MALAVIYA): (a) As reported by the State Government, during inspections made by them no children below the age of 14 years were found to be employed in the potteries registered as factories in Khurja in Uttar Pradesh. However it may be that children are employed in small units not covered by the Factories Act, 1948.

(b) No, Sir.

(c) The responsibility for enforcement of the Factories Act, 1948 and Child Labour (Prohibition & Regulation) Act, 1986, in the pottery industry rests with the State Governments.

SHRI KRISHNA KUMAR BIRLA: Sir, it is a fact that a large number of child labour are employed in the pottery industry only for one reason as a source of cheap labour. Full reports have been published in the 'Hindustan Times' of 14th February. Employment of child labour is a blatant violation of the Factories Act of 1948. But the pottery-owners have found a neat way of bypassing the labour legislation by showing that there are less than ten workers and so the Factories Act does not apply in such cases. What Sir, they are doing is that in case a pottery is employing 30 workers, three owners of that particular factory divide the labour into three sections and claim that each of them contain less than ten workers. Under these circumstances, no wonder, therefore, that the State Government has said that no child below the age of 14 years was found to be employed in the potteries registered as factories. The State Government has also admitted when it said—it appears that they are employing indirectly—that it may be that children are employed in smaller units not covered by the Factories Act. This is, Sir, exactly my point how the Factories Act is got over. So my first question will be: Why can't the Government of India make a general law that the Government will have powers to disallow employment of children in any industrial unit irrespective of the size in case the Government sees that such employment is injurious to the health of the children and is undesirable from a social angle?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI JAGDISH TYTLER): Sir, I would like to inform the hon. Members since the question was particularly referred to Khurja and a report also came from Dr. Neera Barua that it is a fact that when the State Government went for inspection, they had 41 inspections and out of 41 inspections they did, they prosecuted 24 people. But the total number of units which are registered is 395. These are big and small units. When they went for inspection, they found that all these units which come under the Factories Act can implement where the workers are more than ten people, where there is power, it is more than 20 people. But usually we found that out of a population of 70,000, there are 20,000 working on the potteries in this particular town. As unofficially reported by Dr. Barua, 5,000 children are working there. But the State Government says that there is not a single case. But there is a possibility that in this pottery work, which is a recent phenomenon which has come in a big way because the town itself is doing an order worth about Rs. 8 crores, in the homes families are doing it. And there are three kinds of it. One is that it is inherited from family to family. The second part is that children are working because it is a cheap labour. The third is that partly they go to school and partly they are working. It is more of an economic compulsion which is making the children work. And under the Factories Act you cannot prosecute until at least that particular employment has been declared as dangerous and hazardous.

SHRI KRISHNA KUMAR BIRLA: Sir, the hon. Minister's reply is quite revealing. But speaking plainly, I was a little surprised by the written reply which has been given. Part (b) of my question was whether the Government has made any assessment of the situation and the reply is 'No, Sir'. Now, Sir, when the matter is of such importance, I do not think it is proper to take the line of least resistance and say that the matter rests with the State Government. I would say, Sir, that the Government of India should take some action and I would again like to ask the Hon. Minister as to what is the problem in not making a kind of general law, a kind of general enactment that in any factory irrespective of the size in case they find child labour then the Government, either the Central Government or the State Government will have the power of disallowing the labour of such children.

SHRI JAGDISH TYTLER: Sir, till this Child Labour (Prohibition and Regulation) Act, 1986, came into being, which came into being last year only, it is too early to assess the effect of that Act on this particular child labour problem which the hon. Member is saying. But under that Act there is a provision, S-5, which has a power to set up a technical advisory committee which is supposed to go and identify which are the dangerous and hazardous factories so that under that once it has been identified, the Government can go and act on it.

श्री सुरेश पचौरी : माननीय सभापति जी, संविधान के आर्टीकल 24 के मुताबिक 14 वर्ष से कम आयु के बच्चों के लिए हैजर्डस फैक्टरीज में काम करना मनाही है । क्योंकि यह प्रश्न खुर्जा की फैक्टरी से सम्बन्धित है तो मैं यह जानना चाहता हूं कि खुर्जा की यह फैक्टरी आर्टीकल 24 की परिधि में आती है या नहीं ? सरकार की यह नीति रही है कि बाल मजदूरी खत्म हो और कम मजदूरी जिन मजदूरों को मिल रही है उनकी शिकायतों को मद्देनजर रखते हुए फैक्टरी मालिकों के खिलाफ केस दर्ज हों । मंत्री महोदय ने जो उत्तर दिया है वह केवल एक भाग का दिया है । प्रश्न पर अगर और किया जाये और उसका उत्तर देखा जाये तो उसमें यह है कि कोई भी 14 वर्ष से कम आयु का वहां कोई मजदूर नहीं है । जबकि प्रश्न यह भी है कि कम मजदूरी पाने वाले मजदूर जो वहां पर हैं इसकी जानकारी है ? वहां पर फेक्टरी में कम मजदूरी भी मिल रही है तो मैं सरकार से यह जानना चाहूंगा कि ऐसे कितने मजदूर इस फैक्टरी में हैं जिन्हें कम मजदूरी मिल रही है और इस फैक्टरी के मालिकों के खिलाफ आई० पी० सी० की किस धारा के तहत केस दर्ज किया गया ?

श्री सभापति : यह जो सवाल है यह पहले से जुड़ा हुआ है ।

श्री सुरेश पचौरी : मंत्री जी ने यह जवाब दिया है कि 14 वर्ष से कम आयु के बच्चे वहां काम नहीं कर रहे हैं । मूल प्रश्न में यह भी है कि क्या सरकार को कम मजदूरी पाने वाले और 14 वर्ष से कम आयु के हजारों बच्चों की दुर्दशा की जानकारी है ? वहां के मजदूरों की यह भी शिकायत है कि उन लोगों को कम मजदूरी मिल रही है ।

श्री जगदीश टाईटलर : फैक्टरी कानून जिन-जिन फक्टरीज पर लागू होता है और वह फैक्टरी किसी भी कानून का उलंघन करती है तो उस को कानून के हिसाब से पनिशमेंट मिलती है । हमने कहा है कि हमने सर्वे नहीं किया है लेकिन जो रिपोर्ट है, जैसा बिरला जी ने भी कहा है उस रिपोर्ट के हिसाब से हमें भी मालूम है कि पांच हजार बच्चे जो हैं इस शहर में काम करते हैं जिनकी आयु 14 वर्ष से कम है । मगर वे कानून के अंदर इसलिए नहीं आते क्योंकि वे छोटी-छोटी फैमलीज अपने घरों में काम करती हैं । हां, यह मैं पहले कह चुका हूं कि अगर कोई कानून का उल्लंघन करता है तो उसको पनिसमेंट मिलती है ।

SHRI K. G. MAHESWARAPPA: Mr. Chairman, Sir, there is a total

breach of the constitutional provision in the matter of employment of children. In this country children without childhood number nearly 5 crores and as per the operation research on working children in India in 1983, it is a Baroda based organisation the total number of children employed are 4.40 crores. Then, out of 4.40 crores, as per another survey, nearly 43 per cent are in agricultural labour, 36 per cent cultivators' assistance and 10 per cent working in mining and manufacturing concerns. This 10 per cent amounts to nearly 50 lakhs and thus 50 lakh children are employed in mining and manufacturing concerns. I want to know from the Minister whether the Government is serious to trace the number of children employed below 14 in contravention of article 24 and what machinery the Government has at its disposal to trace the number of children employed below 14 years in all the concerns. I would like to know whether the Government considered the proposal to constitute a squad consisting of women....

MR. CHAIRMAN: You have spent your time in the question. Question Hour is over.

WRITTEN ANSWERS TO QUESTIONS

Setting up and expansion of ESI Hospital in Orissa

*445. SHRI JAGADISH JANI: Will the Minister of LABOUR be pleased to state:

(a) whether Government have a proposal under their consideration to set up some ESI Hospitals in Orissa;

(b) if so, the places which have been identified for the location thereof;

(c) whether Government also propose to expand some of the existing ESI Hospitals and dispensaries in that State; and

(d) if so, what are the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI JAGDISH TYTLER): (a) and (b) Yes Sir. The ESI Corporation has approved the construction of one hospital each at Bhubaneshwar and Rourkela;

(c) and (d) The Corporation has already expanded the bed strength of the ESI Hospital at Choudwar from 50 to 88, by making some temporary arrangements. An estimate for construction of a separate building for the additional beds has been sanctioned, and construction work is expected to start shortly. There is, however, no proposal for expansion of ESI dispensaries in Orissa.

Inadequate manning of public health Engineering Plants

*446. SHRI PARVATHANENI UPENDRA: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether it is a fact that a recent survey has revealed that the country's Public Health Engineering, Water Supply and Sewage Plants are being manned by untrained personnel and that the number of personnel is inadequate for effectively manning the existing plants; and

(b) if so, what action has been taken by Government to improve the Public Health Engineering system?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH): (a) and (b) No such survey has been carried out recently. However, it is a fact that improvement in the manning of Public Health Engineering installations/systems in the country by appointing trained personnel is necessary.

Water supply and sanitation are State subjects. The State Governments are responsible for proper and adequate manning of the Public